

Representative Martin R. Stephens proposes to substitute the following bill:

APPLIED TECHNOLOGY EDUCATION

GOVERNANCE

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Martin R. Stephens

This act establishes a new applied technology education governance structure for Utah. This act establishes applied technology education regions in Utah, establishes their governance structure, and defines the powers and duties of region boards and superintendents. This act establishes a Joint Applied Technology Education Council, establishes its membership and meeting requirements, and defines the powers and duties of the council. This act also makes technical and conforming changes to other sections of the Utah Code to make those sections consistent and in conformity with the substantive provisions of this act. This act includes uncodified language that provides funding guidelines to the Legislature. This act takes effect July 1, 2001.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53A-15-202, as last amended by Chapter 53, Laws of Utah 1992

ENACTS:

53D-1-101, Utah Code Annotated 1953

53D-1-102, Utah Code Annotated 1953

53D-2-101, Utah Code Annotated 1953

53D-2-102, Utah Code Annotated 1953

53D-2-103, Utah Code Annotated 1953

53D-2-104, Utah Code Annotated 1953

53D-3-201, Utah Code Annotated 1953



26 **53D-3-301**, Utah Code Annotated 1953

27 REPEALS:

28 **53A-1-501**, as last amended by Chapter 28, Laws of Utah 1997

29 **53A-1-502**, as last amended by Chapters 28 and 375, Laws of Utah 1997

30 **53A-15-202.5**, as enacted by Chapter 35, Laws of Utah 1999

31 **53A-15-203**, as last amended by Chapter 53, Laws of Utah 1992

32 This act enacts uncodified material.

33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **53A-15-202** is amended to read:

35 **53A-15-202. Powers of the board.**

36 The State Board for Applied Technology Education:

37 (1) shall establish minimum standards for applied technology programs in the public
38 education system;

39 (2) may apply for, receive, administer, and distribute funds made available through
40 programs of federal and state governments to promote and aid applied technology education;

41 (3) shall cooperate with federal and state governments to administer programs which
42 promote and maintain applied technology education;

43 (4) shall appoint staff and establish their duties;

44 (5) shall fix staff compensation and pay their expenses from funds appropriated for this
45 purpose; and

46 (6) shall perform other duties as required by law.

47 Section 2. Section **53D-1-101** is enacted to read:

48 **TITLE 53D. APPLIED TECHNOLOGY EDUCATION CODE**

49 **CHAPTER 1. GENERAL PROVISIONS**

50 **53D-1-101. Title.**

51 This title is known as the "Applied Technology Education Code."

52 Section 3. Section **53D-1-102** is enacted to read:

53 **53D-1-102. Definitions.**

54 As used in this title:

55 (1) (a) "Applied technology education facility" means a facility governed by a regional
56 board that provides applied technology education.

(b) "Applied technology education facility" includes the applied technology centers identified in Section 53D-2-101.

(c) "Applied technology education facility" does not mean a facility owned or leased by public or higher education that provides applied technology education.

(2) "Applied technology education region" means the applied technology education regions established by Section 53D-2-101.

(3) "Articulation agreement" means an agreement between an applied technology education provider and one or more higher education institutions enabling eligible students to receive credit from higher education institutions for competency attainment equivalent to competencies required at a higher education institution.

(4) "Council" means the Joint Applied Technology Education Council established by Section 53D-3-101.

(5) "Higher education institution" means the higher education institutions identified in Section 53B-2-101.

(6) "Regional board" means the applied technology education board created by Section 53D-2-103 that governs each applied technology education region.

Section 4. Section **53D-2-101** is enacted to read:

CHAPTER 2. APPLIED TECHNOLOGY EDUCATION REGIONS

Part 1. Applied Technology Education Regions

53D-2-101. Applied technology education regions created.

The Legislature establishes the following applied technology education regions in Utah:

(1) The Bear River Region is composed of the geographic area encompassing the Box Elder School District, the Cache School District, the Logan School District, and the Rich School District and includes the Bridgerland Applied Technology Center.

(2) The Ogden-Weber Region is composed of the geographic area encompassing the Ogden City School District and the Weber School District and includes the Ogden-Weber Applied Technology Center.

(3) The Davis-Morgan Region is composed of the geographic area encompassing the Davis School District and the Morgan School District and includes the Davis Applied Technology Center.

(4) The Wasatch Front South Region is composed of the geographic area encompassing

the Salt Lake City School District, the Granite School District, the Jordan School District, the Murray School District, and the Tooele School District and includes the Wasatch Front South Applied Technology Center.

(5) The Mountainland Region is composed of the geographic area encompassing the Alpine School District, the Nebo School District, the Provo School District, the South Summit School District, the North Summit School District, the Wasatch School District, and the Park City School District.

(6) The Uintah Basin Region is composed of the geographic area encompassing the Daggett School District, the Duchesne School District, and the Uintah School District and includes the Uintah Basin Applied Technology Center.

(7) The Central Region is composed of the geographic area encompassing the Juab School District, the Millard School District, the Tintic School District, the North Sanpete School District, the South Sanpete School District, the Wayne School District, the Piute School District, and the Sevier School District.

(8) The Southwest Region is composed of the geographic area encompassing the Beaver School District, the Garfield School District, the Iron School District, the Washington School District, and the Kane School District.

(9) The Southeast Region is composed of the geographic area encompassing the Carbon School District, the Emery School District, the Grand School District, and the San Juan School District.

Section 5. Section 53D-2-102 is enacted to read:

53D-2-102. Applied technology education region governing boards -- Membership -- Terms -- Filling Vacancies -- Quorum -- Compensation.

(1) (a) Each applied technology education region shall be governed by a board appointed as follows:

(i) one representative appointed by each local school board within the region;

(ii) one representative from each higher education institution board of trustees within the region appointed by the board of trustees; and

(iii) three or four representatives from businesses or industry within the region appointed jointly by the public and higher education members.

(b) In determining whether to appoint three or four business or industry members, the

appointing members shall appoint so as to ensure that the board contains an odd number of members.

(2) (a) At the first meeting of the board:

(i) the representatives from the local school boards shall divide up their positions so that approximately half of them serve for two-year terms and half serve for four-year terms;

(ii) the representatives from the higher education institution boards of trustees, if there is more than one, shall divide up their positions so that approximately half of them serve for two-year terms and half serve for four-year terms;

(iii) if there is only one representative from a higher education institution board of trustees, that initial representative shall serve a two-year term; and

(iv) the representatives from business and industry shall divide up their positions so that approximately half of them serve for two-year terms and half serve for four-year terms.

(b) Persons appointed to the board after the first appointments serve four-year terms.

(3) The original appointing authority shall fill any vacancies that occur on the board.

(4) A majority of the board is a quorum.

(5) The board shall elect a chair from its membership.

(6) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) Higher education members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Higher education members may decline to receive per diem and expenses for their service.

(c) (i) Members appointed by local school boards who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Those members may decline to receive per diem and expenses for their service.

Section 6. Section **53D-2-103** is enacted to read:

53D-2-103. Applied technology education region governing boards -- Duties.

(1) Each applied technology education region governing board shall:

(a) subject to Subsection (3), act as the local authority for noncredit, competency-based, open entry-open exit applied technology education provided in the applied technology education region and for each applied technology education facility, as defined in Section ~~h~~ [53D-1-101]

53D-1-102 ~~h~~ , located

within the region;

(b) through applied technology education facilities under its jurisdiction, provide noncredit, competency-based, open entry-open exit applied technology education within the region;

(c) through cooperative arrangements established with higher education institutions and local school districts, provide applied technology education within the region;

(d) prepare and submit budgets for its annual operations to the council;

(e) prepare and submit capital facilities requests for its region to the council;

(f) after consulting with the higher education institutions and local school districts within its region, prepare a comprehensive strategic plan for delivering applied technology education within its region and submit it to the council;

(g) consult with business, industry, the Department of Workforce Services, and the Governor's Office of Planning and Budget to determine what workers and skills are needed for employment in Utah businesses and industries;

(h) adopt and administer an annual budget and fund balances;

(i) develop policies for the operation of applied technology education facilities under its jurisdiction;

(j) appoint and fix the salary of all employees;

(k) conduct annual program evaluations;

(l) appoint program advisory committees and other advisory groups to provide counsel, support, and recommendations for updating and improving the effectiveness of training programs and services;

(m) approve regulations, both regular and emergency, to be issued and executed by the superintendent; and

(n) approve or reject processes and arrangements developed by applied technology education facility managers, including:

(i) facility, students, and employee organizations rules and regulations; and

(ii) admission, classification, instruction, and examination of students.

(2) (a) Before seeking new applied technology education capital facilities, the board shall maximize the use of both existing applied technology education facilities under its jurisdiction, and, through cooperative arrangements, existing public education and higher education facilities within the region to provide applied technology education.

(b) Before seeking new fiscal and administrative support structures, the board shall:

(i) review the use of existing public or higher education administrative and accounting systems, financial record systems, and student and financial aid systems for the delivery of applied technology education in the region;

(ii) determine whether it is feasible to use those existing systems; and

(iii) if it is feasible, use those existing systems.

(c) A regional board may not construct, approve the construction of, plan for the design or construction of, or consent to the construction of, an applied technology education facility without approval of the Legislature.

(3) A regional board may not exercise any jurisdiction over applied technology education provided by a local school district or by a higher education institution.

Section 7. Section **53D-2-104** is enacted to read:

53D-2-104. Applied technology education region superintendent -- Appointment -- Duties.

(1) (a) Each regional board shall:

(i) nominate up to three candidates to serve as superintendent of the applied technology education region; and

(ii) submit the names of the candidates to the council.

(b) (i) The council shall select a person to serve as superintendent from the list submitted by the board.

(ii) Superintendents may also be employees of a local school district or a higher education institution.

(c) The council may, by majority vote, terminate a superintendent with the concurrence

of a majority of the regional board.

(2) Each applied technology education region superintendent shall:

(a) serve as the executive officer of the regional board; and

(b) administer the day-to-day operation of the applied technology education region under the direction of the regional board.

CHAPTER 3. JOINT APPLIED TECHNOLOGY EDUCATION COUNCIL

Part 1. General Provisions (Reserved)

Section 8. Section 53D-3-201 is enacted to read:

Part 2. Creation of Joint Applied Technology Education Council

53D-3-201. Joint Applied Technology Education Council -- Creation -- Membership -- Staff.

(1) There is created the Joint Applied Technology Education Council composed of the following 21 members:

(a) one ~~h~~ BUSINESS OR INDUSTRY ~~h~~ member from each regional board selected by the regional board ~~h~~ FROM AMONG THE BUSINESS OR INDUSTRY MEMBERS APPOINTED TO THE REGIONAL BOARD UNDER SECTION 53D-2-102(1)(a)(iii) ~~h~~ :

(b) five public education members selected by the State Board of Education;

(c) five higher education members selected by the State Board of Regents;

(d) one business member appointed by the governor with the advice and consent of the Senate from two names nominated by the speaker of the House; and

(e) one business member appointed by the governor with the advice and consent of the Senate from two names nominated by the president of the Senate.

(2) (a) At the first meeting of the council:

(i) the representatives from the regional boards shall divide up their positions so that approximately half of them serve for two-year terms and half serve for four-year terms;

(ii) the representatives from public education shall divide up their positions so that approximately half serve two-year terms and approximately half serve four-year terms;

(iii) the representatives from higher education shall divide up their positions so that approximately half serve two-year terms and approximately half serve four-year terms; and

(iv) the representatives from business shall divide up their positions so that one serves a two-year term and one serves a four-year term.

(b) Persons appointed to the council after the first appointments serve four-year terms.

(3) The original appointing authority shall fill any vacancies that occur on the council.

243 (4) A majority of the council is a quorum.

244 (5) The council shall elect a chair from its membership.

245 (6) (a) (i) Members who are not government employees shall receive no compensation or
246 benefits for their services, but may receive per diem and expenses incurred in the performance of
247 the member's official duties at the rates established by the Division of Finance under Sections
248 63A-3-106 and 63A-3-107.

249 (ii) Members may decline to receive per diem and expenses for their service.

250 (b) (i) Higher education members who do not receive salary, per diem, or expenses from
251 the entity that they represent for their service may receive per diem and expenses incurred in the
252 performance of their official duties from the committee at the rates established by the Division of
253 Finance under Sections 63A-3-106 and 63A-3-107.

254 (ii) Higher education members may decline to receive per diem and expenses for their
255 service.

256 (c) (i) Public education members who do not receive salary, per diem, or expenses from
257 the entity that they represent for their service may receive per diem and expenses incurred in the
258 performance of their official duties from the committee at the rates established by the Division of
259 Finance under Sections 63A-3-106 and 63A-3-107.

260 (ii) Public education members may decline to receive per diem and expenses for their
261 service.

262 (d) (i) Regional board members who do not receive salary, per diem, or expenses from the
263 entity that they represent for their service may receive per diem and expenses incurred in the
264 performance of their official duties from the committee at the rates established by the Division of
265 Finance under Sections 63A-3-106 and 63A-3-107.

266 (ii) Regional board members may decline to receive per diem and expenses for their
267 service.

268 (7) The council may employ up to two full-time employees to serve as staff to the board.

269 Section 9. Section **53D-3-301** is enacted to read:

270 **Part 3. Powers of Joint Applied Technology Education Council**

271 **53D-3-301. Joint Applied Technology Education Council -- Jurisdiction and powers.**

272 (1) The council shall:

273 (a) oversee, regulate, and manage the applied technology education regions created by

Section 53D-2-101;

(b) select and terminate applied technology education region superintendents as provided in Section 53D-2-104;

(c) in conjunction with the State Board of Education and the State Board of Regents, develop a statewide system of applied technology education;

(d) coordinate with the State Board of Education and local school boards for applied technology education in the public school system;

(e) coordinate with the State Board of Regents and higher education institutions for applied technology education in the higher education system;

(f) receive budget requests from the applied technology education regions, prioritize those requests, and submit the prioritized requests to the State Building Board, to the Legislative Fiscal Analyst, and to the Governor's Office of Planning and Budget;

(g) receive capital facilities requests from the applied technology education regions, prioritize those requests, and submit the prioritized requests to the State Building Board, to the Legislative Fiscal Analyst, and to the Governor's Office of Planning and Budget;

(h) in consultation with the applied technology education regional boards, prepare a comprehensive, statewide strategic plan for delivering applied technology education;

(i) develop criteria for membership hour and clock hour counts so that there is a means to compare and obtain uniform measurements of applied technology education provided by public education, higher education, and in each region's programs and facilities;

(j) in consultation with the Legislature, develop, and recommend an implementation strategy for, a funding unit for applied technology education that ensures equity and fairness in the distribution of funds;

(k) with the State Board of Regents, develop an articulation process for converting noncredit competencies to higher education credit;

(l) study viable alternatives to enhance accreditation programs;

(m) develop and implement an expedited procedure for approving applied technology education programs under its jurisdiction;

(n) prepare and submit an annual report detailing its progress and recommendations on the issues identified in this section and on other applied technology education issues to the governor and to the Legislature's Education Interim Committee by October 15 of each year;

(o) arbitrate and resolve disputes between higher education and public education over such matters as:

(i) noncredit courses;

(ii) duplicate course offerings in applied technology education facilities and community colleges; and

(iii) the scope or application of articulation agreements;

(p) ensure, that some applied technology education providers allow open entry and open exit;

(q) negotiate or encourage the negotiation of articulation agreements;

(r) after consulting with local school districts and higher education institutions in the region, ensure that the curricula in the applied technology education system meets the needs of the state and of the region where it is offered;

(s) after consulting with local school districts and higher education institutions in the region, develop strategies for providing applied technology education in rural areas, specifically considering the distances involved between rural applied technology education providers;

(t) establish minimum standards for applied technology programs under its jurisdiction;

(u) in conjunction with the State Board of Education and the State Board of Regents, develop and implement a system of common definitions, standards, and criteria for tracking and measuring the effectiveness of applied technology education in Utah;

(v) in conjunction with the State Board of Education and the State Board of Regents, develop and implement a marketing plan to inform citizens about the availability of, cost of, and advantages of applied technology education;

(w) appoint staff and establish their duties;

(x) fix staff compensation and pay their expenses from funds appropriated for that purpose; and

(y) perform other duties as required by law.

(2) The council may not exercise any jurisdiction over applied technology education provided by a local school district or by a higher education institution.

(3) (a) The council shall develop a fee waiver and scholarship policy consistent with this subsection.

(b) The council shall consider the following factors in establishing the policy:

336 (i) financial aid as a factor in recruiting and retaining students;
337 (ii) financial aid as a factor in center costs, revenue sources, and financial planning;
338 (iii) financial aid as a factor in course offerings to students;
339 (iv) the rationale, purpose, and requirements of student financial aid;
340 (v) administrative costs, responsibilities, and resources in student financial aid programs;
341 (vi) the availability of existing financial aid systems and processes in the region; and
342 (vii) students' ability and willingness to comply with the financial aid policy.
343 (c) The council's financial aid policy shall include procedures to ensure that:
344 (i) students who are granted financial aid are not treated differently from other students
345 or identified to persons who do not have both a right and a need to know;
346 (ii) financial aid is available to all students on a non-discriminatory basis in accordance
347 with the written policy and based on available funds;
348 (iii) students are informed of their rights and responsibilities regarding financial aid; and
349 (iv) eligibility standards and requirements for financial aid are clearly defined, available
350 to students, and uniformly applied.
351 (d) Annually, the council shall set standards for financial aid.
352 (e) Financial aid programs shall provide for:
353 (i) operational procedures for application, selection, and timely notification to students
354 regarding financial aid;
355 (ii) adherence to standards in selection of students for financial aid;
356 (iii) broadest possible use of funds while providing adequate funding for each recipient
357 of financial aid;
358 (iv) students to pay tuition, fees, or both in installments over a pre-determined time period
359 if the student meets criteria established by the council; and
360 (v) assistance to students to encourage better management of financial resources.
361 (f) The council shall ensure that the policy includes a timely appeal process for students
362 denied financial aid, including the opportunity to appeal to the regional board or its designee.
363 (4) (a) The council may make rules governing:
364 (i) applied technology education instruction and support services;
365 (ii) evaluation and accreditation of applied technology education facilities, programs, and
366 staff;

(iii) faculty and staff who provide applied technology education in facilities or programs under the council's control;

(iv) student eligibility for applied technology courses and programs;

(v) tuition and fees charged by applied technology education service providers under the council's control;

(vi) fiscal procedures;

(vii) use, maintenance, and funding of capital facilities;

(viii) a career ladder program for applied technology education faculty;

(ix) articulation and articulation agreements;

(x) membership hour accounting;

(xi) accreditation; and

(xii) the custom fit program.

(b) Upon petition from a regional board, the council may grant written waivers from specific requirements established by rule in order to accommodate local conditions.

(5) (a) The council shall submit each decision it makes to the State Board of Education and to the State Board of Regents for their review.

(b) The State Board of Regents may, by unanimous vote, veto any decision of the council within 30 days after the state board's staff receives the council's decision.

(c) The State Board of Education may, by unanimous vote, veto any decision of the council within 30 days after the state board's staff receives the council's decision.

(d) If the State Board of Regents or the State Board of Education veto any decision of the council, they shall send written notice to the council identifying the decision that was vetoed.

(e) If the State Board of Regents or the State Board of Education veto any decision of the council, the council may override that veto by a two-thirds vote.

(f) The council may implement its decision if:

(i) it has not received written notice that its decision has been vetoed within 35 days; or

(ii) it has overridden the veto by a two-thirds vote.

Section 10. Repealer.

This act repeals:

Section 53A-1-501, Membership -- Duties -- Advisory decisions -- Annual report.

Section 53A-1-502, Advisory committee -- Duties -- Task forces.

398 Section 53A-15-202.5, Applied technology centers.

399 Section 53A-15-203, Applied technology centers -- Management by board.

400 Section 11. **Funding guidelines.**

401 In funding applied technology education, the Legislature shall follow these guidelines:

402 (1) funding for applied technology education delivered by or for public education should
403 be appropriated to public education;

404 (2) funding for applied technology education delivered by higher education should be
405 appropriated to higher education; and

406 (3) funding for applied technology education delivered by the applied technology
407 education regions and by applied technology education facilities governed by those regional boards
408 should be appropriated to the applied technology education region.

409 Section 12. **Effective date.**

410 This act takes effect on July 1, 2001.